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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,563	06/28/2001	Tony G. Hamilton	42390P11843	7969

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EXAMINER

JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,563

Applicant(s)

HAMILTON ET AL.

Examiner

Jude J. Jean-Gilles

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Action is in regards to the Reply received on 11/03/2005.

WITHDRAWN REJECTIONS

1. The grounds of rejection presented of the Final Office Action dated 07/01/2005, and reiterates in the Advisory Action (PTOL-303) on 11/05/2005 are not presented for review on appeal because they have been withdrawn by the examiner. The rejection of Claims 17-40 under 35 U.S.C. paragraph 103(a) as being obvious under US Patent No. 6,829,704 82 by Zhang et al. in view of U.S. Patent No. 5,530,879 by Crump, et al. has been withdrawn.

Response to Arguments

2. Appellant's arguments in the Appeal Brief filed on 11/03/2005 with respect to claims 17-40 have been carefully considered, and are deemed fully persuasive with respect to the prior art of record cited above. However, Appellant's arguments are deemed moot in view of the following new grounds of rejection as explained here below.

Drawings

3. New corrected drawings are required in this application because handwritten labels are confusing in all the drawing sheets. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are

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required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 17-40** are rejected under 35 U.S.C. 102(e) as being anticipated by Fukuda et al. (hereinafter Fukuda), Patent No. 6,930,987 B1.

Regarding claim 17: Fukuda discloses the invention substantially as claimed.

Zhang teaches a method, comprising:

activating an idle storage device in a computer system to transfer data
while a main processor of the computer is idle (column 20, lines 3-10);
executing the data transfer (column 20, lines 1-20);
returning system resources to an idle state (column 20, lines 39-56).

Regarding claim 18: Fukuda discloses the method of claim 17, further comprising:

buffering the data for transfer (see fig. 16, item 86; column 20, lines 39-56).

Regarding claim 19: Fukuda discloses the method of claim 17, further comprising:

detecting a request for data transfer to activate the idle storage device while the main processor of the computer is idle (column 20, lines 1-59; column 29, lines 35-60).

Regarding claim 20: Fukuda discloses the method of claim 19, wherein a controller activates the idle storage device by directing power to the device (column 29, lines 35-65);

Regarding claim 21: Fukuda discloses the method of claim 17, further comprising:

tagging the transferred data for recognition (column 29, lines 3-65; column 30, lines 3-40);

Regarding claim 22: Fukuda discloses the method of claim 17, further comprising:

apportioning a system time and power resource based on the transferred data (column 30, lines 39-55; column 18, lines 58-67; column 19, lines 1-21).

Regarding claim 23: Fukuda discloses the method of claim 22, further comprising:

returning the system resource to a pre-transfer state (column 20, lines 39-56).

Regarding claim 24: Fukuda discloses the method of claim 17, further comprising:

notifying a user of the computer system of the data transfer after the system is returned to an idle state (column 29, lines 32-64).

Regarding claim 25: Fukuda discloses the method of claim 17, wherein the data is transferred wirelessly (column 32, lines 8-60).

Regarding claim 26: Fukuda discloses the method of claim 17, wherein the data is transferred via a low level data bus (column 27, lines 14-35).

Regarding claim 27: Fukuda discloses an apparatus comprising:
means for activating an idle storage device in a computer system to transfer data while a main processor of the computer is idle (column 20, lines 3-10);
means for executing the data transfer (column 20, lines 1-20);
means for returning system resources to an idle state (column 20, lines 39-56).

Regarding claim 28: Fukuda discloses the apparatus of claim 27, further comprising:

means for buffering the data for transfer (see fig. 16, item 86; column 20, lines 39-56).

Regarding claim 29: Fukuda discloses the apparatus of claim 27, wherein the means for activating the idle storage device comprise a controller that detects a request for data transfer while the main processor of the computer is idle (column 20, lines 1-59; column 29, lines 35-60).

Regarding claim 30: Fukuda discloses the apparatus of claim 29, wherein the controller activates the idle storage device by directing power to the device (column 29, lines 35-65).

Regarding claim 31: Fukuda discloses the apparatus of claim 27, wherein the data is transferred wirelessly (column 32, lines 8-60).

Regarding claim 32: Fukuda discloses the apparatus of claim 27, wherein the data is transferred via a low level data bus (column 27, lines 14-35).

Regarding claim 33: Fukuda discloses a machine-readable medium having executable instructions to cause a processor to perform a method, the method comprising:

activating an idle storage device in a computer system to transfer data while a main processor of the computer is idle (column 20, lines 3-10);
executing the data transfer (column 20, lines 1-20); and
returning system resources to an idle state (column 20, lines 39-56).

Regarding claim 34: Fukuda discloses the machine-readable medium of claim 33, wherein the method further comprises:

Buffering the data for transfer (see fig. 16, item 86; column 20, lines 39-56).

Regarding claim 35: Fukuda discloses the machine-readable medium of claim 34, wherein the idle storage device is activated by a controller that detects a request for data transfer while the main processor of the computer is idle (column 20, lines 1-59; column 29, lines 35-60).

Regarding claim 36: Fukuda discloses the machine-readable medium of claim 33, wherein the method further comprises;

apportioning a system resource based on the transferred data (column 20, lines 3-56).

Regarding claim 37: Fukuda discloses the machine-readable medium of claim 36, wherein the method further comprises:

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returning the system resource to a pre-transfer state (column 20, lines 39-56).

Regarding claim 38: Fukuda discloses a computer system comprising:

a processor coupled to a memory through a bus (column 32, lines 8-60);

a unit to activate a storage device in a computer system to transfer data while the processor is idle, the unit to (column 20, lines 3-10);

execute the data transfer(column 20, lines 1-20); and the unit to

return system resources to an idle state (column 20, lines 39-56).

Regarding claim 39: Fukuda discloses the system of claim 38, further including a buffer to store data to be transferred (see fig. 16, item 86; column 20, lines 39-56).

Regarding claim 40: Fukuda discloses the system of claim 38, further including a unit to detect a request for data transfer to activate the idle storage device while the main processor of the computer is idle (column 20, lines 1-59; column 29, lines 35-60).

Conclusion

6. **THIS ACTION IS MADE NON-FINAL.** Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.


Jude Jean-Gilles

Patent Examiner

Art Unit 2143

JJG 

January 19, 2006


DAVID WILEY
SUPERVISORY PATENT EXAMINER
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